

REMARKS

The last Office Action of October 24, 2008 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 2, 4, 6 are pending in the application. Claim 6 has been amended. no claims have been canceled or added. No amendment to the specification has been made. No fee is due.

Claims 2, 4, 6, stand rejected under 35 U.S.C. §103(a) as being unpatentable over published U.S. Pat. Appl. No. 2004/002750 to Majercak in view of published U.S. Pat. Appl. No.2003/0105517 to White et al.

Applicant has amended claim 6 by setting forth that the first and second connectors alternately connect to a same one of the U-shaped arcuate sections in opposite relationship to one another throughout in the direction of the longitudinal axis. In other words, the first and second connectors not only alternate in longitudinal direction but respectively connect to a same U-shaped arcuate section of the struts. In addition, it has been clarified that the struts are curved in a same circumferential direction.

The Majercak reference differs from the present invention as set forth in claim 6 in many respects:

Claim 6, on file, is directed to a stent having, i.e.,

- a) struts (5, 6) that are curved arcuately,
- b) the struts are curved in a same circumferential direction,
- c) first and second connectors (9, 10) which alternate and connect in opposite relationship to a same U-shaped arcuate section of the struts; and
- d) the first connectors (10) have arcuate legs disposed in a same circumferential plane adjacent to a corresponding one of the struts and curved in the same circumferential plane as the adjacent strut.

None of the claim limitations a), b), c) and d) is disclosed in Majercak.

With respect to claim limitation a), Majercak discloses struts that have a straight configuration. This is clearly shown in all embodiments of Majercak. The Examiner appears to refer to the secondary reference White to show the presence of curved struts. Applicant respectfully disagrees. Reference numeral "48" to which the Examiner refers designates connectors to connect struts (42, 44). Reference is made to page, 3, left column, lines 12-16, which state that the "*V-shaped struts 42, 44 [are] connected by the connecting members 48.*". While the Examiner is entitled to give claim limitations their broadest reasonable construction, the advanced interpretation by the Examiner of the White reference appears arbitrary and not reasonable and, in fact, is in contradiction to the disclosure in White. The description in White merely discloses struts that have a straight configuration as the reference to "V-shaped" also clearly underscores.

With respect to claim limitation b), Majercak fails to show struts curved in a same circumferential direction.

With respect to claim limitation c), Majercak shows connectors that extend diagonally to connect the struts. Reference is made to page 4, paragraph [0041], last two lines. Thus, opposing first connectors do not connect to a same U-shaped arcuate section of the struts.

With respect to claim limitation d), Majercak shows connectors 28B which have between neighboring struts a portion which however is not curved in the same circumferential plane as the adjacent strut.

For the reasons set forth above, it is applicant's contention that Majercak neither Majercak, nor White, nor a combination thereof, teaches or suggests the features of the present invention, as recited in claim 6.

As for the rejection of the retained dependent claims, these claims depend on claim 6, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: January 23, 2009
708 Third Avenue
Suite 1501
New York, N.Y. 10017
(212)244-5500
HMF:af